

## SUPPORTING STATEMENT

### A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collections. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.**

The purpose of this data collection is to clear regulations under Title II of the Workforce Investment Act of 1998, Adult Education and Family Literacy Act (PL 105-220). The proposed regulations further the Department's implementation of section 212 of the Adult Education and Family Literacy Act (AEFLA).

The Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 462 that would establish procedures the Secretary would use when considering the suitability of tests for use in the National Reporting System (NRS) for adult education. These proposed regulations also include procedures that States and local eligible providers would follow when using suitable tests.

The proposed regulations: a) describe the Department's review process for identifying tests suitable for identifying educational functioning levels and measuring educational gain (§§462.10 and 462.12); (b) delineate the information test publishers would include in an application requesting the Secretary to determine the suitability of such tests (§462.11); (c) identify the criteria and specific information the Department would use to determine the suitability of tests (§462.13); (d) offer test publishers an annual opportunity to submit for review additional tests as long as an application for review is filed with the Department by October 1 of each year (§462.10); and, (e) establish a seven-year period during which a test determined as suitable, unless substantially changed by the publisher, would remain suitable (§462.14).

The AEFLA makes accountability for results a central focus of the law. It sets out performance accountability requirements for States and local programs that measure program effectiveness on the basis of student academic achievement and other outcomes. In order to help States to validly demonstrate and accurately report their annual improvements in literacy skill levels and other core indicators of performance, the Department established--after extensive consultation with State directors of adult education, representatives from volunteer provider agencies, directors of local adult education programs, and experts on accountability systems--a National Reporting System for Adult Education. The NRS standardizes the measurement of the core indicators across States and establishes procedures for collecting and reporting student outcome data to enhance its validity and reliability.

The AEFLA establishes three core indicators that must be used to assess State performance:

- Demonstrated improvement in the literacy skill levels in reading, writing and speaking English, numeracy, problem-solving, English language acquisition, and other literacy skills (educational gain);
- Placement in, retention in, or completion of postsecondary education, training, unsubsidized employment, or career advancement; and
- Receipt of a secondary school diploma or a recognized equivalent.

Educational gain, the key outcome measure in the NRS, describes students' improvement in literacy skills during instruction. States are required to have their local programs assess gain by administering standardized pre-post assessments to students, following valid administration procedures (e.g., use an appropriate assessment, use different forms of the test for pre- and post-testing). The *NRS Guidelines* allows states to select the assessments most appropriate for their state, which may be published standardized tests or performance-based assessments. If the state uses performance-based assessments, NRS guidelines require the assessment to have standardized procedures and scoring rubrics that meet accepted psychometric standards.

Although the Congress is currently considering legislation to reauthorize the AEFLA, these regulations are being proposed at this time and speak to measuring educational gain because neither the House nor Senate bills would change the requirement that States measure that core indicator.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information collected will be used by the Secretary to determine the suitability of assessments submitted by test publishers for measuring educational gain. The suitability of the assessment will be determined by evaluating the information submitted by publishers against the published review criteria of 34 CFR 462. Only assessments determined suitable by the Secretary can be used by state and local adult education programs funded under AEFLA to measure and report educational gain under the NRS.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

To facilitate the submission of information, the Department plans to use an existing NRS related website to host all relevant information regarding the assessment review process and the information collection requirements associated with the review process. Publishers will be allowed to submit the required information electronically or in print

form, whichever method best meets their needs. It is anticipated that publishers will use both the electronic option and the print option.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information to be collected by the Secretary is not available from any other source and the collection of information will not duplicate any existing collection efforts.

- 5. If the collection information impacts small businesses or other small entities (Item 5 of 014B Form 83-1), describe any methods used to minimize burden.**

The information collected will not impact small businesses or other small entities.

- 6. Describe the consequence of Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Accountability for performance is a cornerstone of AEFLA. In establishing a performance accountability system for adult education, Congress wanted not only to assess the effectiveness of State performance in measuring educational outcomes but also to help States continuously improve their performance and to optimize the return on the investment of Federal funds. Educational gain is the cornerstone performance measure for the federally funded adult education program. To provide standardized and comparable performance data within and among State and local programs, the assessments being used must validly and reliably measure the content areas of interest and report those gains using the standard definition of educational gain contained in the NRS.

Without identifying suitable tests, the Department cannot assure the validity and reliability of the data being reported on the key performance indicator of educational gain and any standardization and comparability of this measure is lost. Additionally, states are required to use the educational gain measure along with the other core performance measures to evaluate the effectiveness of their local programs and use those evaluations to make funding decisions. Without valid and reliable assessments to measure educational gain, states must make funding decisions based on unreliable data on how well local programs are performing on the educational gain measure.

- 7. Explain any special circumstance that would cause an information collection to be conducted in a manner.**

No special circumstances apply to this effort.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB.**

**Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There are no payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.**

The Department will assure that proprietary information submitted by a publisher in the process of complying with information collection will not be shared or published outside the review process.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary; the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature in this application.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special surveys to obtain information on which to base burden estimates. Consultation with a sample of potential respondents is desirable. If the burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden and explain the reason for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

While we cannot estimate the total number of respondents because it is impossible to know the number of test publishers in the first application period that may want to expand their markets into the field of adult education, we are aware of: (a) 25 tests not currently used in adult education that test publishers may like the Secretary to review for suitability for use in the NRS and (b) 25 widely used tests of an adult's basic skills that have been in use in the NRS since 1999. Therefore we estimate the total reporting burden for this collection to be 2,000 hours (50 responses x 40 hours per response). It is anticipated that in subsequent years, reviews will involve significantly fewer publishers. It is proposed in the regulation that the approval period will be for seven years.

<u>Program Year</u>	<u>Estimated Number of Responses</u>	<u>Type of Staff</u>	<u>Estimated Number of Burden Hours Per Response</u>	<u>Total Estimated Number of Burden Hours</u>
2007	50	Professional Clerical TOTAL	30 10 40	1500 500 2000
2008	15	Professional Clerical TOTAL	30 10 40	450 150 600
2009	5	Professional Clerical TOTAL	30 10 40	150 50 200
<b>TOTAL</b>	<b>70</b>		<b>40</b>	<b>2800</b>

- **If the request for approval is for more than one form, provide separate burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-1.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The estimated cost to compile and organize this information is estimated at \$82,500 for the initial application (1500 professional hours @ \$50 hr = \$75,000 plus 500 clerical hours @ \$15 hr = \$7,500).

**13. Annual Costs to Respondents (capital/start-up & operation and maintenance).**

The total for the capital and start-up cost components for this information collection is zero. This information collection will not require the purchase of any capital equipment nor create any start up costs. The information requested is routinely generated by publishers to meet the professional standards for assessment development and are therefore a part of their normal business costs. The cost of subsequent collections will vary based on the number of publishers submitting test information.

**14. Provide estimates of annualized cost to the Federal government.**

As discussed earlier in question 12, the Department estimates that 50 assessments will be submitted during the initial review announced under the new Part 462 of title 34 of the Code of Federal regulations, and 15 for the second review period and 5 in the third review. As a consequence, it is difficult to annualize the cost to the federal government. It is estimated that it will cost the government approximately \$5,000 for each assessment reviewed. This costs includes the review of each assessment by three experts (test developers, researchers and psychometricians). Based on the estimates provided in 12 above, the cost to the government over the first three years is:

Year	Number of Assessments	Cost Per Assessment	Total Cost
2007	50	\$5,000	\$250,000
2008	15	5,000	\$75,000
2009	5	5,000	\$25,000

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

This is a new collection.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.**

The information collected will not be published. It is to be used for an internal review to determine the suitability of assessments to measure educational gain under the requirements of the NRS.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

OVAE is not seeking exemption.

**18. Explain each exception to the certification statement identified in Item "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

This request is in compliance with 5 CFR 1320.9

**A. Collections of Information Employing Statistical Methods:**

Not Applicable